

1 **QUINN EMANUEL URQUHART & SULLIVAN, LLP**

2 Diane M. Doolittle (CA Bar No. 142046)
dianedoolittle@quinnemanuel.com
3 Sara Jenkins (CA Bar No. 230097)
sarajenkins@quinnemanuel.com
4 555 Twin Dolphin Drive, 5th Floor
Redwood Shores, CA 94065
5 Telephone: (650) 801-5000
Facsimile: (650) 801-5100

6 Andrew H. Schapiro (admitted *pro hac vice*)
andrewschapiro@quinnemanuel.com
7 Teuta Fani (admitted *pro hac vice*)
teutafani@quinnemanuel.com
Joseph H. Margolies (admitted *pro hac vice*)
josephmargolies@quinnemanuel.com
191 N. Wacker Drive, Suite 2700
Chicago, IL 60606
Telephone: (312) 705-7400
Facsimile: (312) 705-7401

8 Stephen A. Broome (CA Bar No. 314605)
stephenbroome@quinnemanuel.com
9 Viola Trebicka (CA Bar No. 269526)
violatrebicka@quinnemanuel.com
10 Crystal Nix-Hines (CA Bar No. 326971)
crystalnixhines@quinnemanuel.com
11 Alyssa G. Olson (CA Bar No. 305705)
alyolson@quinnemanuel.com
12 865 S. Figueroa Street, 10th Floor
Los Angeles, CA 90017
13 Telephone: (213) 443-3000
Facsimile: (213) 443-3100

14 Josef Ansorge (admitted *pro hac vice*)
josefansorge@quinnemanuel.com
Xi ("Tracy") Gao (CA Bar No. 326266)
tracygao@quinnemanuel.com
15 Carl Spilly (admitted *pro hac vice*)
carlspilly@quinnemanuel.com
1300 I Street NW, Suite 900
Washington D.C., 20005
Telephone: (202) 538-8000
Facsimile: (202) 538-8100

16 Jomaire Crawford (admitted *pro hac vice*)
jomairecrawford@quinnemanuel.com
17 51 Madison Avenue, 22nd Floor
New York, NY 10010
18 Telephone: (212) 849-7000
Facsimile: (212) 849-7100

19 Jonathan Tse (CA Bar No. 305468)
jonathantse@quinnemanuel.com
50 California Street, 22nd Floor
San Francisco, CA 94111
Telephone: (415) 875-6600
Facsimile: (415) 875-6700

20 *Counsel for Defendant Google LLC*

21 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

22 CHASOM BROWN, *et al.*, individually and
23 on behalf of themselves and all others
similarly situated,

24 Plaintiffs,

25 v.

26 GOOGLE LLC,

27 Defendant.

28 Case No. 4:20-cv-03664-YGR-SVK

**DECLARATION OF JOSEPH H.
MARGOLIES IN SUPPORT OF
ADMINISTRATIVE MOTION TO SEAL
CORRECTIONS TO PLAINTIFFS'
OPPOSITION TO GOOGLE'S MOTION
FOR SUMMARY JUDGMENT (DKT. 939)**

Judge: Hon. Yvonne Gonzalez Rogers

1 I, Joseph H. Margolies, declare as follows:

2 1. I am an attorney with Quinn Emanuel Urquhart & Sullivan, LLP, attorneys for
 3 Defendant Google LLC (“Google”) in this action. I have been admitted *pro hac vice* in this matter.
 4 Dkt. 681. I am making this declaration pursuant to Civil Local Rule 79-5(e)–(f) as an attorney for
 5 Google as the Designating Party, pursuant to Civil Local Rule 79-5(f)(3) in response to Dkt. 939.

6 2. On May 1, 2023, Plaintiffs filed their Administrative Motion to Consider Whether
 7 Google’s Material Should be Sealed regarding corrections to Plaintiffs’ Opposition to Google’s
 8 Motion for Summary Judgment (Dkt. 939). On May 1, 2023, I received unredacted service copies
 9 of these documents.

10 3. The common law right of public access to judicial proceedings is not a constitutional
 11 right and it is “not absolute.” *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978); *Crowe v.*
 12 *Cty. of San Diego*, 210 F. Supp. 2d 1189, 1194 (S.D. Cal. 2002) (“[T]here is no right of access which
 13 attaches to all judicial proceedings.”). In the context of dispositive motions, materials may be sealed
 14 in the Ninth Circuit upon a showing that there are “compelling reasons” to seal the information. See
 15 *Kamakana v. City & Cty. Of Honolulu*, 447 F.3d 1172, 1179–80 (9th Cir. 2006). Compelling reasons
 16 include “sources of business information that might harm a litigant’s competitive standing.” *Ctr.*
 17 *For Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016) (quoting, 435 U.S. at
 18 598–99).

19 4. I have reviewed the documents that Plaintiffs seek to file under seal pursuant to Civil
 20 Local Rule 79-5(f). Based on my review, there are compelling reasons to seal the following:

Document(s) to be Sealed	Basis for Sealing
Google’s Responsive Separate Statement to Plaintiffs’ Additional Material Facts (Corrected)	The information requested to be sealed contains Google’s highly confidential and proprietary information regarding highly sensitive features of Google’s internal systems and operations, including various types of Google’s internal projects, data fields, and logs, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google’s competitors. Such confidential and proprietary information reveals Google’s internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order
Pages 9:23, 10:12, 11:11, 12:13–14, 16:10–11, 19:3–4, 21:22–23, 23:9, 24:8–9, 25:23, 43:26, 44:12	
Google joins Plaintiffs’ motion to seal in PART with respect to this document.	

	entered in this action. <i>See</i> Dkt. 81 at 2–3. Public disclosure of such confidential and proprietary information could affect Google’s competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google’s internal practices relating to competing products.
Exhibit 45 (Corrected) to Mao Declaration – GOOG-BRWN-00390418 Pages -0418, -0419 Google joins Plaintiffs’ motion to seal in PART with respect to this document.	The information requested to be sealed contains Google’s highly confidential and proprietary information regarding highly sensitive features of Google’s internal systems and operations, including an internal project that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google’s competitors. Such confidential and proprietary information reveals Google’s internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. <i>See</i> Dkt. 81 at 2–3. Public disclosure of such confidential and proprietary information could affect Google’s competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google’s internal practices relating to competing products.
Exhibit 54 (Corrected) to Mao Declaration – GOOG-BRWN-00437647 Seal Entirely Google joins Plaintiffs’ motion to seal in FULL with respect to this document.	The information requested to be sealed contains Google’s highly confidential and proprietary information regarding highly sensitive features of Google’s internal systems and operations, including internal projects and analysis, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google’s competitors. Such confidential and proprietary information reveals Google’s internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. <i>See</i> Dkt. 81 at 2–3. Public disclosure of such confidential and proprietary information could affect Google’s competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google’s internal practices relating to competing products.
Exhibit 63 (Corrected) to Mao Declaration –	The information requested to be sealed contains Google’s highly confidential and proprietary information regarding

GOOG-BRWN-00475063 Pages -064, -066 Google joins Plaintiffs' motion to seal in PART with respect to this document.	highly sensitive features of Google's internal systems and operations, including internal project names, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. <i>See</i> Dkt. 81 at 2–3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
--	--

5. Google's request is narrowly tailored in order to protect its confidential information.

These redactions are limited in scope and volume. Because the proposed redactions are narrowly tailored and limited to portions containing Google's highly confidential or confidential information, Google requests that the portions of the aforementioned documents be redacted from any public version of those documents.

6. Google does not seek to redact or file under seal any of the remaining portions of documents not indicated in the table above.

7. Google previously sought to seal the phrase “tens of millions” in Google’s Responsive Separate Statement to Plaintiffs’ Additional Material Facts at 33:17–18. See Dkt. 928 (seeking to seal Dkt. 924-4 at 29:9, and to seal Dkt. 925-6 at 14:18–19), Dkt. 933 (seeking to seal Dkt. at 33:17–18). Upon further consideration, Google withdraws its request to seal that phrase.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed in Bayside, Wisconsin on May 8, 2023.

By /s/ Joseph H. Margolies

Joseph H. Margolies